

ICC EVALUATION SERVICE, LLC, RULES OF PROCEDURE FOR THE EVALUATION COMMITTEE

1.0 PURPOSE

The purpose of the Evaluation Committee is to review and approve acceptance criteria on which evaluation reports may be based.

2.0 MEMBERSHIP

2.1 The Evaluation Committee has a membership of not fewer than nine, with one of the members named by the ICC-ES president each year to serve as the chairman–moderator.

2.2 All members of the committee shall be representatives of a body enforcing regulations related to the built environment.

2.3 Persons are appointed to the committee by the ICC-ES president, from among individuals who have formally applied for membership.

2.4 The ICC-ES Board of Managers, using simple majority vote, shall ratify the nominations of the president.

2.5 Committee membership is for one year, coinciding with the calendar year. Members may be renominated and reappointed.

2.6 In the event that a member is unable to attend a committee meeting or complete a term on the committee, the ICC-ES president may appoint a replacement to fill in at the meeting or for the remainder of the member's term. Any replacement appointed for only one meeting must have prior experience as a member of the Evaluation Committee. Appointments under this section (Section 2.6) are subject to ratification as noted in Section 2.4.

3.0 MEETINGS

3.1 The Evaluation Committee shall schedule meetings that are open to the public in discharging its duties under Section 1.0, subject to Section 3.0.

3.2 All scheduled meetings shall be publicly announced. There shall be three to six meetings per year (as necessary).

3.3 More than half of the Evaluation Committee members, counting the chairman, shall constitute a quorum. A majority vote of members present is required on any action. To avoid any tie vote, the chairman may choose to exercise or not exercise, as necessary, his or her right to vote.

3.4 In the absence of the chairman–moderator, Evaluation Committee members present shall elect an alternate chairman from the committee for that meeting. The alternate chairman shall be counted as a voting committee member for purposes of maintaining a committee quorum and to cast a tie-breaking vote of the committee.

3.5 Minutes shall be kept and shall be the official record of each meeting.

3.6 An electronic record of meetings may be made by ICC-ES if deemed necessary; no other audio, video, electronic recordings of the meetings will be permitted. Visual aids (including, but not limited to, charts, slides, videos, or presentation software) viewed at meetings shall be permitted only if the presenter provides ICC-ES before the presentation with a copy of the visual aid in a medium which can be retained by ICC-ES with its record of the meeting and which can also be provided to interested parties requesting a copy.

3.7 Parties interested in the deliberations of the committee should refrain from communicating, whether in writing or verbally, with committee members regarding agenda items. All written communications and submissions regarding agenda items must be delivered to ICC-ES and shall be considered nonconfidential and available for discussion in open session of an Evaluation Committee meeting. Such materials will be posted on the ICC-ES web site (www.icc-es.org) prior to the meeting. Comments and submissions not meeting the following deadlines will not be considered at the meeting:

- Initial comments on agenda items shall be submitted at least 28 days before the scheduled meeting.
- A rebuttal comment period shall follow, whereby rebuttal comments to the initial comments may be submitted by the proponent at least 21 days before the scheduled meeting.
- Those planning on giving a visual presentation at the meeting must submit their presentation, in PowerPoint format only, at least 10 days before the scheduled meeting.

The committee reserves the right to refuse recognition of communications which do not comply with the provisions of this section.

4.0 CLOSED SESSIONS

Evaluation Committee meetings shall be open except that at the discretion of the chairman, staff counsel may be necessary. Also, matters related to clients or potential clients covered by confidentiality requirements of ICC-ES Rules of Procedure for Evaluation Reports are discussed only during closed meetings.

5.0 ACCEPTANCE CRITERIA

5.1 Acceptance criteria are established by the committee to provide a basis for issuing ICC-ES evaluation reports on products and systems under codes referenced in Section 2.0 of the Rules of Procedure for Evaluation Reports. They also clarify conditions of acceptance for products and systems specifically regulated by the codes.

Acceptance criteria may involve a product, material, or method of construction. Consideration of any acceptance criteria must be in conjunction with a current and valid application for an ICC-ES evaluation report, an existing ICC-ES evaluation report, or as otherwise determined by the ICC-ES President.

EXCEPTIONS: The following acceptance criteria are controlled by the ICC-ES executive staff and are not subject to committee approval:

- The Acceptance Criteria for Quality Documentation (AC10)
- The Acceptance Criteria for Test Reports (AC85)
- The Acceptance Criteria for Inspections and Inspection Agencies (AC304)

5.2 Procedure:

5.2.1 Applications for new Acceptance Criteria and for technical revisions to existing Acceptance Criteria shall be filed on forms provided for those purposes. Applications shall be accompanied by the applicable fees noted in the application.

5.2.2 Proposed acceptance criteria shall be developed by the ICC-ES staff and discussed in open session with the Evaluation Committee during a scheduled meeting, except as permitted in Section 4.0 of these rules.

5.2.3 Proposed acceptance criteria shall be available to interested parties at least 30 days before discussion at the committee meeting.

5.2.4 The committee shall be informed of all pertinent written communications received by ICC-ES.

5.2.5 Attendees at Evaluation Committee meetings shall have the opportunity to speak on acceptance criteria listed on the meeting agenda, to provide information to committee members. In the interest of fairness, each speaker requesting to testify on a proposed acceptance criteria or proposed changes to an existing acceptance criteria will be given the same amount of time, as follows:

- a. A 10-minute time limit applies to speakers giving their first testimony on any item, which applies to both verbal testimony and/or visual presentations.
- b. A 5-minute time limit applies to speakers returning to the microphone to offer additional testimony and/or to rebut testimony given by others.
- c. A 2-minute time limit applies to speakers offering testimony on the staff recommendation to criteria.

Should a company have multiple speakers, the speaker time limits above apply the company, in that multiple speakers from the same company shall share the testimony time, i.e., multiple speakers from the same company shall not each get their own testimony times. Time limits do not include time needed to answer questions from the staff and/or committee members. The chairman–moderator shall have limited authority to modify time limitations on testimony. The chairman–moderator shall also have the authority to adjust time limits as necessary in order to get through the hearing agenda.

An automatic timing device shall keep time for testimony and shall provide the time remaining to the speaker testifying. Interruptions during testimony will not be

tolerated. It is the responsibility of the chairman–moderator to maintain decorum and order during all testimony.

5.3 Approval of any action on an acceptance criteria shall be as specified in Section 3.3 of these rules. Possible actions made by the Evaluation Committee include: Approval; Approval with Revisions; Disapproval; or Further Study. The Evaluation Committee must give the reason(s) for any Disapproval or Further Study actions with specific recommendations.

5.4 Actions of the Evaluation Committee may be appealed in accordance with the ICC-ES Rules of Procedure for Appeal of Acceptance Criteria or the ICC-ES Rules of Procedure for Appeals of Evaluation Committee Technical Decisions.

6.0 COMMITTEE BALLOTING FOR ACCEPTANCE CRITERIA

6.1 Acceptance criteria may be revised without a public hearing following a 30-day public comment period and a majority vote for approval by the Evaluation Committee (i.e., alternative criteria development process), when at the discretion of the ICC-ES executive staff, the subject is a revision that requires formal action by the Evaluation Committee.

6.2 Negative votes must be based upon one or more of the following, for the ballots to be considered valid and require resolution:

- a. *Lack of clarity:* There is insufficient explanation of the scope of the acceptance criteria or insufficient description of the intended use of the product or system; or the acceptance criteria is so unclear as to be unacceptable. (The areas where greater clarity is required must be specifically identified.)
- b. *Insufficiency:* The criteria is insufficient for proper evaluation of the product or system. (The provisions of the criteria that are in question must be specifically identified.)
- c. *The subject of the acceptance criteria is not within the scope of the applicable codes:* A report issued by ICC-ES is intended to provide a basis for approval under the codes. If the subject of the acceptance criteria is not regulated by the codes, there is no basis for issuing a report, or a criteria. (Specifics must be provided concerning the inapplicability of the code.)
- d. *The subject of the acceptance criteria needs to be discussed in public hearings.* The committee member requests additional input from other committee members, staff or industry.

6.3 An Evaluation Committee member, in voting on an acceptance criteria, may only cast the following ballots:

- Approved
- Approved with Comments
- Negative: Do Not Proceed

7.0 COMMITTEE COMMUNICATION

Direct communication between committee members, and between committee members and an applicant or concerned party, with regard to the processing of a particular acceptance criteria or evaluation report, shall take

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place only in a public hearing of the Evaluation Committee. Accordingly:

7.1 Committee members receiving an electronic ballot should respond only to the sender (ICC-ES staff). Committee members who wish to discuss a particular matter with other committee members, before reaching a decision, should ballot accordingly and bring the matter to the attention of ICC-ES staff, so the issue can be placed on the agenda of a future committee meeting.

7.2 Committee members who are contacted by an applicant or concerned party on a particular matter that will

be brought to the committee will refrain from private communication and will encourage the applicant or concerned party to forward their concerns through the ICC-ES staff in writing, and/or make their concerns known by addressing the committee at a public hearing, so that their concerns can receive the attention of all committee members.■

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